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Amendment Under 37 CFR §1.111
Response to Office Action dated June 15, 2006

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections set forth in the above-identified Office Action are respectfully requested.

The thoroughness of Examiner Patterson's review of this application is appreciated.

By this Amendment, the status of the parent application (now U.S.P. 6,767,601) has been updated on page 1 of the Specification. In addition, all of the previous claims have been canceled in favor of new claims 35-48. It is respectfully submitted that all of the claims are patentable and should be allowed.

In general, the newly presented claims define Applicant's invention in a manner similar to that claimed in the parent patent. New independent claim 35 now recites that the barrier film is useful in forming a package for packaging a fabric having a solvent absorbed therein. The package itself is covered by the claims of the parent patent. Claim 35 further recites that the multilayer film comprises an inner layer of an unoriented nylon that is selected from the group consisting of nylon 6, nylon 6,6, nylon 6,6/6 and mixtures thereof; that the middle layer comprises a biaxially oriented polyester; and that the outer layer comprises a biaxially oriented polyolefin. As such, claim 35 recites a film in a manner similar to the film which forms the package of claim 1 of U.S.P. 6,767,601.

Dependent claim 36 calls for the nylon to be nylon 6, similar to canceled claim 8. Dependent claim 37 calls for the nylon to comprise a blend of nylon 6 and nylon 6,6, similar to canceled claim 9. Dependent claim 38 calls for the polyolefin to comprise polyethylene or polypropylene, similar to canceled claim 10. Dependent claim 39 recites that the polyolefin is polyethylene, similar to canceled claim 11. Dependent claims 40 and 41 recite that the polyester comprises polyethylene terephthalate, similar to canceled claim 12.

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Dependent claim 42 recites that the polyester can be a metallized or coated polyester with various coatings, as recited in canceled claim 13. Dependent claim 43 recites that the inner and middle layers are coextruded and the outer layer is laminated, as previously recited in canceled claim 16. Dependent claim 44 calls for the layers to be laminated, as recited in canceled claim 18. Dependent claim 45 calls for an adhesive to be positioned between the layers, as previously recited in canceled claim 19.

New independent claim 46 is similar to claim 1 but recites the various layers in a manner previously set forth in canceled claim 20, with the polyolefin layer more specifically recited. Dependent claim 47 calls for the nylon to be nylon 6, in a manner similar to that claimed in canceled claim 21. New independent claim 48 recites the invention in a manner similar to claim 46, with each layer consisting essentially of the specified polymer, the polyester being recited as polyethylene terephthalate and the polyolefin being recited as polyethylene; in this regard, claim 48 is similar to claim 8 of the parent patent.

With regard to the Office Action, the Specification was objected to as there were two claims that were each numbered 10 and 11. This has been corrected by canceling all of the previous claims in favor of new claims 35-48. It is submitted that it is proper to start the numbering with claim 35, since the previously highest claim number was 34. Accordingly, this objection has been fully addressed and is no longer warranted.

Claims 1-5, 10-13, 15 and 17-19 were rejected under 35 USC §102 (b) as being anticipated by Takagaki et al., USP 5,352,043. It is respectfully submitted that all the present claims are not anticipated by this reference.

All of the present claims call for a film useful in forming a package for packaging a fabric having a solvent absorbed therein. Either a single film or two films can be used to form such packages. The inner layer of the film is an unoriented nylon (nylon 6, nylon 6,6, nylon 6,6/6 and mixtures thereof), the middle layer is a biaxially oriented polyester and the outer layer

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is a biaxially oriented polyolefin. The nylon layer provides resistance to chemicals as well as a heat seal layer, the polyester layer permits retention of the solvent in the package, and the polyolefin layer provides added strength, flexibility and puncture resistance to the structure.

It is respectfully submitted that Takagaki et al. does not teach or suggest the presently claimed invention. Rather, Takagaki et al. is directed to a self-supporting bag and is concerned with the formation of ribs in the layers of film that forms the bag. Although Takagaki et al. disclose a bag formed from a multilayer plastic film, nowhere does this reference suggest the layers as set forth in the present claims. One of the layers of the structure of Takagaki et al. is a heat adhesive layer and the reference discloses at column 5, lines 54-65 a myriad of materials that are suggested for such a layer. These materials include polyolefins, PVC, polystyrene, polyesters, polyamides, polycarbonates, polyarylates, polyethers, ethylene copolymers, ionomers and the like. The only disclosure of possibly employing a nylon as the heat adhesive layer is within this description. Indeed, the examples do not at all refer to nylon as the material for the heat adhesive layer. For example, in the Example at column 21, lines 33 et seq. the heat adhesive layer is polyethylene and the nylon layer is a separate layer.

In the only disclosure of a three-layered film in Takagaki et al. (column 6, lines 7 et seq.), there is reference to a structure which has a plastic layer that has a lower melting point on the outside and a plastic layer that has a higher melting point as the middle layer. Examples of the lower melting point plastic are polyolefins and the higher melting point plastic are engineering plastic films such as nylon 6-6 and polyethylene terephthalate. There is no suggestion in Takagaki et al. of providing a structure in which the inner layer is an unoriented nylon (much less nylon 6, for example, with respect to claims 36, 37, 47 and 48), the middle layer is a biaxially oriented polyester and the outer layer is a biaxially oriented polyolefin. Indeed, there is no reason to select a nylon, especially an unoriented nylon 6, from the myriad of polymers mentioned by Takagaki et al. as possibly useful in the heat adhesive layer, and combine the same with the other layers claimed herein.

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Clearly, Takagaki et al. does not disclose utilizing the specifically claimed nylons as the inner layer of their structure, much less an unoriented nylon of the claimed Markush group (and, in particular, certainly not unoriented nylon 6) that also acts as a seal layer. Also, this document does not suggest the combination of a polyester middle layer and a polyolefin outer layer, together with a nylon inner layer of the type of nylon claimed. Likewise, Takagaki et al. do not disclose a middle layer which is a biaxially oriented polyester or an outer layer that is a biaxially oriented polyolefin. Moreover, Takagaki et al. does not disclose a multilayer film useful in forming a package for packaging a fabric having a solvent absorbed therein.

Therefore, it is respectfully submitted that Takagaki et al. does not anticipate any of claims 35-48, and a 35 USC §102 (b) rejection of the present claims on the basis of anticipation over Takagaki et al. is not warranted. It is also respectfully submitted that the claims likewise are not obvious over Takagaki et al.

Certain of the canceled claims (6-9, 20 and 21) were rejected under 35 USC §103 (a) as unpatentable over Takagaki et al. in view of Ng et al. (WO 95/15992). It is respectfully submitted that such rejection should not apply with respect to the presently submitted claims.

It was stated in the Office Action that Takagaki et al. fail to disclose a nylon comprising nylon 6 and a blend of nylon 6 and nylon 66. Ng et al. was cited to overcome this deficiency in Takagaki et al.

Ng et al. was cited for its teaching of the use of a blend of nylon 6 and 6,6 in the making of a nylon film for the purpose of obtaining a film having maximum bond strength. However, the heat sealable layer of Ng et al. is not nylon 6 but rather a nylon copolymer which contains alkyl pendant groups. The reference to page 4, lines 27-30 of Ng et al. regarding maximum bond strength of sealing is not a disclosure of the present invention since that section of Ng et al. refers to the overall polyamide film. The film is made heat-sealable by the presence of the nylon copolymer, not nylon 6 (or the other nylons claimed in the present claims). The reference to page 6, lines 20-31 likewise does not suggest the present invention. Rather, Ng et al. are merely

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referring to the other plastic layer (e.g., EVOH), which has a lower decomposition temperature than those of nylons and will degrade when coextruded. This is far from the teachings of Takagaki et al. and certainly does not suggest the herein-claimed invention. Clearly, Ng et al. do not rectify the deficiencies in Takagaki et al. that are pointed out above.

It was postulated in the Office Action that it would have been obvious to have provided for nylon 6 and a blend of nylon 6 and 6,6 in Takagaki et al. in order to obtain good adhesion to both layers as taught by Ng et al. However, Ng et al. do not teach nylon 6 films for such purpose; rather, they require a nylon copolymer for improving the bond strength, not nylon 6 (or the other nylons) as claimed herein.

It is respectfully submitted that one skilled in the art would not combine the teachings of these references, and even if they were so combined the claimed invention would still not be shown since the features missing in Takagaki et al. would still be missing. Accordingly, it is submitted that all of the claims are patentable over any combination of these references.

Previous claims 14 and 16 were rejected under 35 USC §103 (a) as unpatentable over Takagaki et al. in view of Hatano et al. (USP 5,527,043). It is respectfully submitted that the present claims are patentable over this proposed combination of references.

In the Office Action it was recognized that Takagaki et al. fail to disclose a nylon film in which an outer layer is oriented and that is coextruded. Hatano et al. was relied upon as disclosing a nylon layer having a layer that is oriented and coextruded for the purpose of obtaining a film having strength and heat sealability. The specific portion of Hatano et al. that is mentioned in the rejection is column 1, lines 19-37 which refer to the background of the invention of Hatano et al.

At the cited portion, the reference merely states that various films can be formed in combination. It also states that the laminate can be made by a variety of means. However, it is not correct to conclude that Hatano et al. suggest a nylon film which has an outer layer that is

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oriented. Rather, Hatano et al. does not suggest any specific structure of a multilayered film. The invention of Hatano et al. concerns the use of a specific type of polyurethane adhesive rather than a particular multilayered film which includes nylon and the other layers as claimed herein.

In particular, it is submitted that Hatano et al. fail to disclose a film that includes an outer layer that is a biaxially oriented polyolefin, or a middle layer that is a biaxially oriented polyester – or any combination of these with an unoriented inner nylon layer. Furthermore, the suggestion in Hatano et al. that their laminate can be formed by a variety of means does not suggest the specific combination as now claimed in claim 43 wherein the inner and middle layers are coextruded and the outer layer is laminated to a surface of the middle layer. Consequently, it is respectfully submitted that any combination of Takagaki et al. and Hatano et al. would not suggest the invention as claimed in claim 43 or any of the other presently submitted claims. Therefore, it is respectfully submitted that all of the claims are patentable over the combination of Takagaki et al. in view of Hatano et al.

In view of the above, Applicant respectfully submits that claims 35-48 are patentable over Takagaki et al. alone, or in combination with Ng et al. and/or Hatano et al.

In summary, the present invention provides a multilayered film that is useful in forming a package for packaging a fabric having a solvent absorbed therein. The specific nylon layer (in particular, nylon 6) in the multilayer film provides the chemical resistance to the solvent, such that the solvent does not “eat through” or dissolve a portion of the package which could occur with other plastic films (e.g., polyethylene). At the same time, the unoriented nylon layer is heat sealable to itself. The outer biaxially oriented polyolefin layer provides strength, flexibility and puncture resistance, while the biaxially oriented polyester layer permits retention of the solvent in the package. It is respectfully submitted that this type of multilayered structure and its use are nowhere taught or suggested in the applied prior art.

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Accordingly, it is respectfully submitted that all of the pending claims are patentable and should be allowed. Therefore, reconsideration and withdrawal of the rejections, and allowance of the application are respectfully requested.

Should the Examiner believe that a discussion with the undersigned would in any way be of assistance, he is respectfully requested to telephone the undersigned.

Respectfully submitted,
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